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June 25, 2021

VIA ECF

Honorable Jessica S. Allen
U.S. District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Pacira BioSciences, Inc. v. American Society of Anesthesiologists, Inc., et al.*, Case No. 2:21-cv-9264 (MCA) (JSA)

Dear Judge Allen:

Pacira BioSciences, Inc. (“Pacira”) respectfully submits this letter to request the Court to suspend briefing on Defendants’ pending motions to dismiss for lack of jurisdiction (Dkt. Nos. 55, 57) and to grant Pacira leave to file a motion for jurisdictional discovery to aid in Pacira’s response to those motions. The motion for jurisdictional discovery and accompanying papers that Pacira seeks leave to file are attached as Exhibit A.

When, as here, defendants move to dismiss for lack of personal jurisdiction, courts in the Third Circuit “are to assist the plaintiff by allowing jurisdictional discovery unless the plaintiff’s claim is ‘clearly frivolous.’” *See Toys “R” Us, Inc. v. Step Two, S.A.*, 318 F.3d 446, 456 (3d Cir. 2003). Courts in this District grant jurisdictional discovery unless there are “no factual allegations that suggest with reasonable particularity the *conceivable* existence of the requisite contacts between Defendants and the forum state.” *Marchionda v. Embassy Suites, Inc.*, 122 F. Supp. 3d 208, 211 (D.N.J. 2015) (emphases in original). Accordingly, Pacira requests the opportunity to further set forth the legal and factual bases for its request for jurisdictional discovery in the form of the attached motion.

Pacira respectfully requests the Court consider this request for leave on an expedited basis, as Pacira’s responses to the pending motions to dismiss for lack of jurisdiction are currently due July 6, 2021. In advance of submitting this letter to the Court, Pacira contacted counsel for Defendants, each of whom does not consent to this request or the proposed underlying motion.

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We thank the Court for its time and consideration of this request.

Respectfully submitted,

s/ Kevin M. McDonough

Kevin M. McDonough
of LATHAM & WATKINS LLP

cc: All counsel of record (via ECF)